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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LEONARD E. FREY, WILLIAM M. HOUSTON,
JAMES A. MARTIN Jr. and DEBRA L. ZEGGERT

Appeal 2008-1451
Application 10/040,799
Technology Center 2100

Decided: December 17, 2008

Before JOSEPH L. DIXON, LANCE LEONARD BARRY, and
THU A. DANG, *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134 from a non-final rejection of claims 1-19. We have jurisdiction under 35 U.S.C. § 6(b).

A. INVENTION

According to Appellants, the invention relates to a system and method of processing transactions in a plurality of interconnected databases, and more particularly, for providing an intermediary database having documents representing individual transactions to be processed by the databases (Spec. 1, ll. 3-7).

B. ILLUSTRATIVE CLAIM

Claim 1 is exemplary and is reproduced below:

1. A method of processing transactions, comprising the steps of:

providing a plurality of processing databases of a plurality of types each having a respective agent;

providing a transaction database;

writing one or more transactions, each having a key and a detail, from a first of said plurality of processing databases to said transaction database;

periodically searching, using a processing agent from a second of said plurality of processing databases, said second of said plurality of databases having a different type than said first of said plurality of databases, in said transaction database for a key and detail to determine whether said processing agent should process said one or more transactions; and

updating a record in said second of said plurality of processing databases, by using said key and detail.

C. REJECTIONS

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Brodersen	US 6,405,220 B1	Jun. 11, 2002
Raz	US 6,292,827 B1	Sept. 18, 2001

Claims 1-19 stand rejected under 35 U.S.C. § 112, first paragraph;

Claims 1-19 stand rejected under 35 U.S.C. § 112, second paragraph; and

Claims 1-19 stand rejected under 35 U.S.C. § 103(a) over the teachings of Brodersen and Raz.

We AFFIRM.

II. ISSUES

The issues are whether Appellants have shown that the Examiner erred in concluding that

A. the phrase "one or more transaction, each having a key and a detail" lacks adequate written description.

B. Claims 1-19 are unpatentable under 35 U.S.C. § 112, second paragraph, because the limitation "one or more transaction, each having a key and a detail" fails to particularly point out and distinctly claim the subject matter which Appellants regard as the invention.

C. Claims 1-19 are unpatentable under 35 U.S.C. § 103(a) over the teachings of Brodersen and Raz, because 1) "providing a plurality of processing databases of a plurality of types each having a respective agent" and 2) "updating a record in said second of said plurality of processing databases, by using said key and detail" are neither disclosed or would have been suggested by the applied references (claim 1).

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Brodersen

1. Brodersen discloses relational databases which represent data in the form of a collection of two-dimensional tables, wherein a column in a table represents either a data field or a pointer to a row in another table (col. 1, ll. 22-29).
2. A database for an organizational structure comprises a table describing each employee in the organization, which may include information specific to the employee, such as name, employee number, age, salary, etc. (col. 1, ll. 30-35).
3. A transaction is created in a local database resident on one of the workgroup connected clients (330-a), and the transaction is entered into a transaction log resident on the workgroup connected client (330-a) (col. 15, ll. 52-56).

4. The next step is copying the transaction file to an inbox identified to the workgroup connected client (330-a) and updating the transaction file into a workgroup database (305) resident on the workgroup server (315), where the workgroup database (305) includes a transaction log (col. 15, ll. 58-63).
5. Multi-user docking clients store data for one or many users; allow multiple users to access and change data on the workgroup database simultaneously; permit users to execute server-side programs against the workgroup; and execute a periodic docking program to exchange data with the master database at predefined times or intervals (col. 16, ll. 5-11).
6. Broderson also discloses creating a transaction in a local database resident on one of the workgroup user clients (310), and entering the transaction into a transaction log resident on the workgroup user client (310) (col. 16, ll. 21-25).
7. Next, the transaction file is copied to an inbox identified to the workgroup user client (310) and the transaction file is updated into the workgroup database (305) resident on the workgroup server (315) (col. 16, ll. 27-31).

IV. PRINCIPLES OF LAW

"The specification shall contain a written description of the invention… in such full, clear, concise, and exact terms as to enable any

person skill in the art to which it pertains, or with which it is most nearly connected, to make and use the same" 35 U.S.C. §112, first paragraph.

"The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention" 35 U.S.C. §112, second paragraph.

"Our analysis begins with construing the claim limitations at issue." *Ex Parte Filatov*, No. 2006-1160, 2007 WL 1317144, at *2 (BPAI 2007). "[T]he PTO gives claims their 'broadest reasonable interpretation.'" *In re Bigio*, 381 F.3d 1320, 1324 (Fed. Cir. 2004) (quoting *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000)). "Moreover, limitations are not to be read into the claims from the specification." *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993) (citing *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989)).

"[T]he words of a claim 'are generally given their ordinary and customary meaning.'" *Phillips v. AWH Corp.,* 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc) (internal citations omitted). "[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, *i.e.*, as of the effective filing date of the patent application." *Phillips v. AWH Corp.*, 415 F.3d at 1313 (Fed. Cir. 2005) (*en banc*).

"Section 103 forbids issuance of a patent when 'the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.'" *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1734 (2007).

The Court noted that "[c]ommon sense teaches . . . that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle." *KSR*, 127 S. Ct. at 1742. "A person of ordinary skill is also a person of ordinary creativity, not an automaton." *Id.*

V. ANALYSIS

Rejection under U.S.C. § 112

1. The phrase "one or more transaction, each having a key and a detail" complies with the written description requirement:

The Examiner finds that claims 1, 8 and 15 lacks adequate written description because "Fig. 4A-4B description is not provided related to 'one or more transaction, each having a key and a detail' as claimed in claim[sic] 1, 8, 15)" (Ans. 3). Appellants contend that "[s]upport for one or more transactions each having a key and a detail of claims 1, 8, and 15 is found in the Specification page 10 lines 5-7" (App. Br. 6). An issue we address on appeal is whether the phrase "one or more transactions, each having a key and a detail" complies with the written description requirement and sufficiently define the invention being claimed.

We agree with the Appellants that the Specification at page 10, lines 5-7 does contain a written description of "one or more transactions each having a key and a detail" in full, clear, concise, and exact terms as to as required by 35 USC §112, first paragraph. As such, we conclude that Appellants have shown that the Examiner erred in finding claims 1, 8, and 15 as lacking adequate written description. We thus reverse the rejection of claims 1, 8, and 15, and claims 2-7, 9-14, and 16-19 depending therefrom under 35 U.S.C. § 112, first paragraph.

2. The phrase "one or more transaction, each having a key and a detail" complies with the definiteness requirement:

The Examiner finds that claims 1, 8, and 15 are "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention" because "[i]t is not clear what is meant by 'one or more transaction, each having a key and a detail'" (Ans. 4). Appellants contend that "Specification on page 9, starting at line 1, clearly describes what is meant by transactions having a key and a detail" (App. Br. 7). An issue we address on appeal is whether the phrase "one or more transactions, each having a key and a detail" complies with the definiteness requirement.

We agree with the Appellants that the Specification at page 9, starting at line 1, does contain a clear description of "one or more transactions each having a key and a detail." As such, we find that the term in claims 1, 8 and 15 does distinctly set forth the subject matter which the applicant regards as

his invention, as required by 35 U.S.C. §112, second paragraph. We conclude that Appellants have shown that the Examiner erred in finding claims 1, 8, and 15 as failing to comply with the definiteness requirement, and thus, we reverse the rejection of claims 1, 8, and 15, and claims 2-7, 9-14, and 16-19 depending therefrom under 35 U.S.C. § 112, second paragraph.

Rejection under U.S.C. § 103(a)

Each of every element of the claims is found in the prior art teachings:

Appellants do not provide separate arguments with respect to the rejection of claims 1-19. Therefore, we select independent claim 1 as being representative of the cited claims. 37 C.F.R. § 41.37(c)(1)(vii).

Appellants contend that the "claim 1 clearly recites a plurality of processing databases of a plurality of types each having a respective agent" (App. Br. 7), and that Brodersen does not disclose such limitation. Furthermore, Appellants contend that "Appellants' claim 1 requires updating a record in the second processing database by using the key and detail," and that "[t]here is no description of a key and detail in col. 16, lines 21-26" or "anywhere else" (App. Br. 8). However, the Examiner finds that the combination of Brodersen and Raz discloses such limitation (Ans. 5). Therefore, another issue we address on appeal is whether 1) "providing a plurality of processing databases of a plurality of types each having a

respective agent" and 2) "updating a record in said second of said plurality of processing databases, by using said key and detail" are disclosed or suggested by the applied references (claim 1).

We generally agree with the Examiner's finding that the combined teaching of Brodersen and Raz discloses and fairly suggests the claimed elements on appeal beginning at page 5 of the Answer, and the Examiner's corresponding responsive arguments beginning at page 10 of the Answer.

As to the "a plurality of processing databases of a plurality of types each having a respective agent" limitation, Brodersen discloses a plurality of local databases resident on workgroup connected clients (330-a) and a plurality of local databases resident on workgroup user clients (310) (FF 3 and 6). Each database is associated with a program that creates a transaction in the database, enters a transaction in a transaction log, and updates the transaction file in the workgroup database (FF 3, 4, 6 and 7), as well as a periodic docking program to exchange data with the master database at predefined times or intervals (FF 5). We find that an artisan would have understood the plurality of local databases resident on workgroup connected clients and workgroup user clients to be a plurality of processing databases of a plurality of types.

Further, we find that Brodersen teaches, or at the least, strongly suggests, that each of the plurality of databases has an agent. That is, each of the plurality of databases is associated with programs which perform the create, data entry and update functions. An artisan would have understood

that it would have been obvious that an "agent" associated with the databases performs such functions, since the artisan is a person of ordinary creativity, not an automaton. *See KSR*, 127 S. Ct. at 1742.

Though Appellants argue that "the claim term 'having'... is understood to mean 'included in' or 'being a part of'," such argument is not commensurate with the language of the claimed invention. The claims do not include the language argued. Instead, we will give the term "having" its ordinary meaning of "being associated with." Accordingly, we find that each of the plurality of databases of Brodersen has an agent or program with which it is associated to perform the respective functions.

We thus, agree with the Examiner that the combined teaching of Brodersen and Raz would disclose or at the least suggest "providing a plurality of processing databases of a plurality of types each having a respective agent."

As to the "updating a record in said second of said plurality of processing databases, by using said key and detail" limitation, Brodersen discloses that the databases represent data in the form of a collection of two-dimensional tables, wherein a column in a table represents either a data field or a pointer to a row in another table, and wherein each table includes detailed information (FF 1-2). One of ordinary skill in the art would have understood each of the transactions in the transaction files, represented in the form of tables as set forth by Brodersen, to include a key and a detail.

Further, as discussed above, each of the local databases in Brodersen is associated with a program that updates the transaction file in the workgroup database, to exchange data with the master database (FF 3-7). We find that Brodersen teaches and strongly suggests, that the record in the plurality of processing databases is updated by using said key and detail. That is, an artisan would have understood that the key and detail included in the databases in Brodersen are used in the updating of the databases.

We thus agree with the Examiner that the combined teaching of Broderson and Raz would disclose or at the least suggest "updating a record in said second of said plurality of processing databases, by using said key and detail." Accordingly, we conclude that Appellants have not shown that the Examiner erred in finding all elements of the claimed invention are disclosed or suggested by the combined teaching of Brodersen and Raz, and in rejecting claim 1 and claims 2-19 falling with claim 1 under 35 U.S.C. § 103(a).

CONCLUSION OF LAW

(1) Appellants have shown that the Examiner erred in finding that claims 1-19 are unpatentable under 35 U.S.C. § 112, first paragraph.

(2) Appellants have shown that the Examiner erred in finding that claims 1-19 are unpatentable under 35 U.S.C. § 112, second paragraph.

(3) Appellants have not shown that the Examiner erred in finding that claims 1-19 are unpatentable under 35 U.S.C. § 103(a) over the teachings of Brodersen and Raz.

(4) Claims 1-19 are not patentable.

DECISION

The Examiner's rejections of claims 1-19 under 35 U.S.C. § 112, first paragraph and second paragraph are reversed. The Examiner's rejection of claims 1-19 under 35 U.S.C. § 103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

pgc

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